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DOING BUSINESS UNDER AN ASSUMED NAME GENERAL INSTRUCTIONS

Any person(s) conducting business in this State under an Assumed Name must register in the County Clerk's Office in the county where the business is based. The legal reference to this can be found in the Illinois Compiled Statutes, 805 ILCS 405/1-6.

- In the County Clerk's Office, search our Assumed Name database to determine if the name you have chosen for your business is currently being used.
- Complete the enclosed Assumed Name Certificate Intention (Form #290). Please type or print neatly.
- Signature(s) on the Assumed Name Certificate Intention must be notarized. Please make every effort to have your signature(s) notarized before you bring the completed form to the County Clerk's Office. The notary in our office is not always available.
- File the completed Assumed Name Certificate Intention in the County Clerk's Office. The state-mandated fee for filing the Intention is \$5.00. Take the receipt to the newspaper you have chosen for your legal ad.
- The information on the Intention *must* be published in the *legal section* of a county subscription newspaper. This legal ad must run at least once a week for three consecutive weeks. **NOTE:** Illinois Statutes requires the first ad to be published within **15 days** after the Assumed Name Certificate Intention has been filed in the Office of the County Clerk.
- At the end of the publication period (three consecutive weeks) of the legal ad, the newspaper will furnish you with a Certificate of Publication.
- Illinois Statutes require that the Certificate of Publication be returned and filed with the County Clerk within **50 days** from filing the Assumed Name Certificate Intention.
- When the County Clerk's Office has received the Certificate of Publication within the **50-day** deadline, your registration process is complete. A Certificate of Ownership of Business will be mailed to you.
- Illinois Statutes require the filing of a Supplemental Certificate in the event of changes (Form #870) or ceasing (Form #889) to do business under the Assumed Name.
- Supplemental certificates are available at the County Clerk's Office. The fee for filing a supplemental certificate is \$1.50.

CONSULT YOUR ATTORNEY OR THE STATUTE FOR MORE INFORMATION

RESOURCES

STARTING A BUSINESS IN McLEAN COUNTY

First Stop Business Information Center of Illinois. Department of Commerce & Community Affairs	Information and assistance with start-up and existing businesses	1-800-252-2923 www.illinoisbiz.biz firststop@illinois.biz
State of Illinois Department of Revenue	Information on obtaining a TAX ID number	1-800-732-8866 www.ILTAX.com
Institute for Entrepreneurial Studies. Illinois State University c/o Dr. Mike Winchell	Information on starting a new business and growing an existing business.	309-438-2994
City of Bloomington Department of Building Safety	Information on zoning for Home-Based & Commercial Businesses	309-434-2448 Zoning Officer
Town of Normal Inspection Department	Information on zoning for Home-Based & Commercial Businesses	309-454-9583 Commercial Building Inspector 309-454-9580 Building Commissioner
McLean County Building & Zoning Office	Information on zoning for Home-Based & Commercial Businesses in rural county/ unincorporated areas only	309-888-5160

* Go to www.illinoisbiz.biz/bus/step_by_step.html for step by step information on starting a business in Illinois.

POSSIBLE CHOICES FOR PUBLICATION OF THE LEGAL AD

Heyworth Star, Inc 101 W. Main Street, Suite A Heyworth, IL 61745 Toll Free: 1-800-288-2414	The Leroy Journal 119 E. Center Leroy, IL 61752 (309) 962-4441	The Pantagraph 301 W. Washington Bloomington, IL 61701 Toll Free 1-800-747-7323
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THE FOLLOWING NEWSPAPERS ARE PART OF THE NORMALITE GROUP

102 Parkinson Normal, IL 61761 309-454-5476		
The Normalite 405 Pine Street, Suite A Normal, IL 61761	The Ridgeview Review The Gridley Village Times	The Lexingtonian The Carlock-Danvers- Hudson Quill

STATE OF ILLINOIS,
County of McLean

ss.

Sample

ASSUMED NAME CERTIFICATE INTENTION

This is to certify that the undersigned intend s to conduct and transact a

CRAFT BUSINESS

business in said County and State under the name of DOG'S ENTERPRISES

at the following post office addresses:

000 MAIN STREET
BLOOMINGTON, IL 61701

that the true and real full names of all persons owning, conducting or transacting such business, with the respective post-office address of each, are as follows:

NAME DEE & SMITH CO. POST OFFICE ADDRESS 000 MAIN ST., BLOOMINGTON, IL 61701

Dated this TODAYS day of DATE A.D. _____

**THIS MUST BE SIGNED IN FRONT OF NOTARY

OWNERS SIGNATURE John J. Doe
COMPANY OR CORP. TITLE _____

STATE OF ILLINOIS,
County of _____

ss.

NOTARY COMPLETES THIS

I, _____, a Notary Public

in and for said County and State, do hereby certify that

known to me to be the same person whose name _____ subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he ha read and signed said instrument and that the statements therein contained, and each thereof, are true.

I hereby certify that the foregoing was duly filed in this office the _____ day of _____

Notary Public.
My commission expires on the _____ day of _____ A.D. _____

McLean County Clerk

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NOTARY STAMP HERE

STATE OF ILLINOIS,
County of McLean

ss.

Sample

ASSUMED NAME CERTIFICATE INTENTION

This is to certify that the undersigned intend s to conduct and transact a

CONSULTING

business in said County and State under the name of DOG'S ENTERPRISES

at the following post office addresses:

000 MAIN STREET
BLOOMINGTON, IL 61701

that the true and real full names of all persons owning, conducting or transacting such business, with the respective post-office address of each, are as follows:

NAME JOHN J. DOE POST OFFICE ADDRESS 999 GRACE STREET, BLOOMINGTON, IL 61701

Dated this TODAYS day of DATE A.D. _____

**THIS MUST BE SIGNED IN FRONT OF NOTARY

OWNERS SIGNATURE John J. Doe

NOTARY COMPLETES THIS

STATE OF ILLINOIS,
County of _____

ss.

I, _____, a Notary Public

in and for said County and State, do hereby certify that

known to me to be the same person whose name _____ subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he ha read and signed said instrument and that the statements therein contained, and each thereof, are true.

I hereby certify that the foregoing was duly filed in this office the _____ day of _____

Notary Public.
My commission expires on the _____ day of _____ A.D. _____

McLean County Clerk

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NOTARY STAMP HERE

association which is maintained as a national cemetery. Any cemetery association organized under special act or charter is authorized to convey in fee simple to the United States Government, or to any proper agency thereof, such portion of property of such cemetery as is now or may hereafter be maintained as a national cemetery.

Laws 1940, First Spec.Sess., p. 4, § 1, eff. June 13, 1940.
Formerly Ill.Rev.Stat.1991, ch. 21, ¶ 65.

NAMES AND RECORDS

ACT 405. ASSUMED BUSINESS NAME ACT

- Section
405/0.01. Short title.
405/1. Necessity of certificate—Filing certificate.
405/2. Change or addition of name—Certificate—Time for filing.
405/3. Index of assumed names—Fee—Presumptive evidence.
405/3a. Cancellation of certificate—Filing of supplementary certificate—Fee.
405/4. Corporations, partnerships, trusts, criminal statutes not effected.
405/5. Violations—Punishment.
405/6. Actions against persons failing to register assumed business name.

405/0.01. Short title

§ 0.01. Short title. This Act may be cited as the Assumed Business Name Act.

Laws 1941, vol. 1, p. 550, § 0.01, added by P.A. 86-1324, § 635, eff. Sept. 6, 1990.

Formerly Ill.Rev.Stat.1991, ch. 96, ¶ 3m.

Title of Act:

An Act in relation to the use of an assumed name in the conduct or transaction of business in this State. Approved July 17, 1941. Laws 1941, vol. 1, p. 550.

405/1. Necessity of certificate—Filing certificate

§ 1. No person or persons shall conduct or transact business in this State under an assumed name, or under any designation, name or style, corporate or otherwise, other than the real name or names of the individual or individuals conducting or transacting such business, unless such person or persons shall file in the office of the County Clerk of the County in which such person or persons conduct or transact or intend to conduct or transact such business, a certificate setting forth the name under which the business is, or is to be, conducted or transacted, and the true or real full name or names of the person or persons owning, conducting or transacting the same, with the post office address or addresses of such person or persons and every address where such business is, or is to be, conducted or transacted in the county. The certificate shall be executed and duly acknowledged by the person or persons so conducting or intending to conduct the business.

Notice of the filing of such certificate shall be published in a newspaper of general circulation published within the county in which the certificate is filed. Such notice shall be published once a week for 3 consecutive weeks. The first publication shall be within 15 days after the certificate is filed in the office of the County Clerk. Proof of publication shall be filed with the County Clerk within 50 days from the date

of filing the certificate. Upon receiving proof of publication, the clerk shall issue a receipt to the person filing such certificate but no additional charge shall be assessed by the clerk for giving such receipt. Unless proof of publication is made to the clerk, the certificate of registration of the assumed name is void.

If any person changes his name or his residence address or the address of any place of business in the county where such assumed name is being employed after filing a certificate, or if the name of a person is added to any business organization for which a certificate is on file, such person shall file an additional, duly acknowledged certificate in the office of the County Clerk of the county in which such person transacts business under an assumed name. The certificate shall set out the change or addition as the case may be. Such certificate shall also set out the post office address of the person. If any business organization for which such certificate has been filed in any county of this State shall remove its place of business to another county in this State or shall establish an additional location for doing business in another county of this State, a certificate shall be filed in the office of the County Clerk of such other county and notice of the filing of such certificate of a change or addition of a name shall be published and proof of publication made pursuant to the provisions of this section in the same manner as is provided for original certificates to do business under an assumed name.

Laws 1941, vol. 1, p. 550, § 1. Amended by Laws 1945, p. 1088, § 1; Laws 1963, p. 2997, § 1; P.A. 76-892, § 1, eff. Aug. 20, 1969; P.A. 86-622, § 1, eff. Sept. 1, 1989.

Formerly Ill.Rev.Stat.1991, ch. 96, ¶ 4.

405/2. Change or addition of name—Certificate— Time for filing

§ 2. Persons conducting such business or any business under an assumed name who have prior to August 16, 1963 changed their names or whose names are additions to a business organization conducting business under an assumed name, for which a certificate has previously been filed, shall file another certificate setting out the change in their names or that their names are additions to a business already in operation and every address where such business is conducted or transacted in the county within 30 days after August 16, 1963.

Laws 1941, vol. 1, p. 550, § 2. Amended by Laws 1963, p. 2997, § 1; P.A. 76-893, § 1, eff. Aug. 20, 1969.

Formerly Ill.Rev.Stat.1991, ch. 96, ¶ 5.

405/3. Index of assumed names—Fee— Presumptive evidence

§ 3. The several County Clerks of this State shall keep an alphabetical index of all persons filing certificates pursuant to Sections 1 and 2, and for the indexing and filing of such certificate shall receive a fee of \$5.00. A copy of such certificate and receipt for proof of publication, duly certified to by the County Clerk in whose office the certificate is filed, shall be presumptive evidence in all courts of law in this State of the facts therein contained.

Laws 1941, vol. 1, p. 550, § 3. Amended by Laws 1945, p. 1088, § 1; Laws 1963, p. 2997, § 1, eff. Aug. 16, 1963; P.A. 85-186, § 1, eff. Aug. 21, 1987.

Formerly Ill.Rev.Stat.1991, ch. 96, ¶ 6.

405/3a. Cancellation of certificate—Filing of supplementary certificate—Fee

§ 3a. Any person who has executed and filed the certificate required by Section 1 or 2 of this Act and who wishes to withdraw his name from the business organization shall have the certificate cancelled in whole or in part by filing in the office of the County Clerk where the certificate is filed, a supplementary certificate under oath, showing that such person or persons have ceased doing business under the assumed name, or that the person or persons executing the supplementary certificate have no further connection with or financial interest in the business carried on under such assumed name; whereupon the County Clerk shall note opposite the trade name theretofore registered, the word "cancelled" and the date of cancellation, or, in the case of withdrawal only of one or more but less than all of the registrants, the clerk shall note the word "Withdrawn" after the name of each party filing the supplementary certificate indicating the withdrawal, together with the date of such withdrawal. When such withdrawal effectuates any change in or transfer of the ownership of 25% or more of the total ownership interest in any such business organization doing business under an assumed name, then notice of the filing of such certificate shall be published.

For filing a certificate noting the cancellation or withdrawal of one or more names, the County Clerk shall receive a fee of \$1.50.

Where a person files a certificate pursuant to Section 1 or 2 setting out a change of his name, or that his name is an addition to an organization doing business under an assumed name which has previously been registered, the County Clerk shall note on the index of such person's name the word "changed" or "addition" as the case may be.

Laws 1941, vol. 1, p. 550, § 3a, added by Laws 1945, p. 1088, § 1. Amended by Laws 1963, p. 2997, § 1, eff. Aug. 16, 1963. Formerly Ill.Rev.Stat.1991, ch. 96, ¶ 6a.

405/4. Corporations, partnerships, trusts, criminal statutes not effected

§ 4. This Act shall in no way affect or apply to any corporation duly organized under the laws of this State, or any corporation organized under the laws of any other State and lawfully doing business in this State, nor shall this Act be deemed or construed to prevent the lawful use of a partnership name or designation, provided that such partnership shall include the true, real name of such person or persons transacting said business or partnership nor shall it be construed as in any way affecting Sections 220 and 220a of Division I of "An Act to revise the law in relation to criminal jurisprudence", approved March 27, 1874, as amended.¹ This Act shall in no way affect or apply to testamentary or other express trusts where the business is carried on in the name of the trust and such trust is created by will or other instrument in writing under which title to the trust property is vested in a designated trustee or trustees for the use and benefit of the cestuis que trustent.

Laws 1941, vol. 1, p. 550, § 4.

Formerly Ill.Rev.Stat.1991, ch. 96, ¶ 7.

¹ 205 ILCS 505/1 et seq.

405/5. Violations—Punishment

§ 5. Any person or persons carrying on, conducting or transacting business as aforesaid, who shall fail to comply with the provisions of this Act, shall be guilty of a Class C misdemeanor, and each day any person or persons conducts

business in violation of this Act shall be deemed a separate offense.

A person shall be exempt from prosecution for a violation of this Act if he is a peace officer who uses a false or fictitious business name in the enforcement of the criminal laws; provided such use is approved in writing by one of the following:

(a) In all counties, the respective State's Attorney;

(b) The Director of State Police under Section 55a of The Civil Administrative Code of Illinois;¹ or

(c) In cities over 1,000,000, the Superintendent of Police.

Laws 1941, vol. 1, p. 550, § 5. Amended by P.A. 77-2542, § 1, eff. Jan. 1, 1973; P.A. 82-883, § 3, eff. Jan. 1, 1983; P.A. 84-25, Art. IV, § 29, eff. July 18, 1985.

Formerly Ill.Rev.Stat.1991, ch. 96, ¶ 8.

¹ 20 ILCS 2605/55a.

405/6. Actions against persons failing to register assumed business name

§ 6. If a person or persons required to register hereunder do not do so and such persons, or any of them, are unknown, civil actions may be brought against such person or persons, by filing suit against the business under its assumed name, naming all known owners, and designating as "unknown owner or owners" the other person or persons transacting business under such assumed name. A judgment rendered pursuant to this section shall be a personal judgment against all named owners and shall, in addition, be immediately enforceable against the property of the business and constitute a lien upon real estate held in the name of the business. At any time prior to satisfaction of judgment, if any, if the identity of a previously unknown owner is discovered, such person shall be named as a party defendant by motion to the court in which such case is pending or in which the judgment was entered, supported by an affidavit showing that notice of such motion has been given in the manner required for service of process upon an individual defendant by the Civil Practice Law, as heretofore or hereafter amended.¹ Within 10 days after service of such notice, the previously unknown owner may appear and defend as in other civil cases; however, such defense shall not affect any judgment against any other person previously entered in the suit. If the defendant does not file an appearance within such 10 day period or if after hearing the defendant is found to be liable, the judgment, if any, theretofore entered in such suit shall be amended to include such person and shall at such time become a personal judgment against such person as if he had been individually named in the original complaint.

Laws 1941, vol. 1, p. 550, § 6, added by Laws 1961, p. 2791, § 1. Amended by P.A. 82-783, Art. XI, § 144, eff. July 13, 1982.

Formerly Ill.Rev.Stat.1991, ch. 96, ¶ 8a.

¹ 735 ILCS 5/2-101 et seq.